

## § 404.1210

### § 404.1210 Optionally excluded services.

Certain services and positions may, if the State requests it, be excluded from coverage. These exclusions may be applied on a statewide basis or selectively by coverage groups. They are:

- (a) Services in any class or classes of elective positions;
- (b) Services in any class or classes of part-time positions;
- (c) Services in any class or classes of positions where the pay is on a fee basis;
- (d) Any agricultural labor or student services which would also be excluded if performed for a private employer; and
- (e) For modifications executed after 1994, services performed by election officials or election workers if the payments for those services in a calendar year are less than \$1000 for calendar years after 1994 and before 2000, or, for calendar years after 1999, are less than the \$1000 base amount as adjusted pursuant to section 218(c)(8)(B) of the Act to reflect changes in wages in the economy. We will publish this adjustment of the \$1000 base amount in the FEDERAL REGISTER on or before November 1 preceding the year for which the adjustment is made.

[53 FR 32976, Aug. 29, 1988, as amended at 61 FR 38367, July 24, 1996]

### § 404.1211 Interstate instrumentalities.

For Social Security coverage purposes under section 218 of the Act, interstate instrumentalities are treated, to the extent practicable, as States, that is:

- (a) They must be legally authorized to enter into an agreement with the Commissioner;
- (b) They are subject to the same rules that are applied to the States;
- (c) They may divide retirement systems and cover only the positions of members who want coverage; and
- (d) They may provide coverage for firefighters and police officers in positions under a retirement system.

[53 FR 32976, Aug. 29, 1988, as amended at 61 FR 38368, July 24, 1996; 62 FR 38451, July 18, 1997]

## 20 CFR Ch. III (4-1-11 Edition)

### § 404.1212 Police officers and firefighters.

(a) *General.* For Social Security coverage purposes under section 218 of the Act, a police officer's or firefighter's position is any position so classified under State statutes or court decisions. Generally, these positions are in the organized police and fire departments of incorporated cities, towns, and villages. In most States, a police officer is a member of the "police" which is an organized civil force for maintaining order, preventing and detecting crimes, and enforcing laws. The terms "police officer" and "firefighter" do not include services in positions which, although connected with police and firefighting functions, are not police officer or firefighter positions.

(b) *Providing coverage.* A State may provide coverage of:

- (1) Police officers' and firefighters' positions not under a retirement system as part of an absolute coverage group; or
- (2) Police officers' or firefighters' positions, or both, as part of a retirement system coverage group.

(c) *Police officers and firefighters in positions under a retirement system.* All States and interstate instrumentalities may provide coverage for employees in police officers' or firefighters' positions, or both, which are under a retirement system by following the majority vote referendum procedures in § 404.1206(d). In addition, all interstate instrumentalities and the States listed in § 404.1207 may use the desire for coverage procedures described in § 404.1207.

[61 FR 38368, July 24, 1996]

### HOW COVERAGE UNDER AGREEMENTS IS OBTAINED AND CONTINUES

### § 404.1214 Agreement for coverage.

(a) *General.* A State may enter into a written agreement with the Commissioner to provide for Social Security coverage for its employees or the employees of one or more of its political subdivisions. An interstate instrumentality may enter into a similar agreement for its employees. These agreements cover employees in groups of positions or by types of services rather than the individual employees.